



# THE BANKRUPTCY ADVISOR



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## Newsletter To Highlight Information About Procedures and CM/ECF

The latest effort to keep attorneys and members of the public informed about events taking place at the Clerk's Office of the U.S. Bankruptcy Court for the Northern District of Florida appeared on computers today in the form of a new and improved newsletter publication. The newsletter, titled *The Bankruptcy Advisor*, is posted on the court web site and will be updated quarterly with special editions planned as circumstances warrant.

The newsletter will be the primary vehicle for broadcasting announcements about procedural changes at the Clerk's Office as well as announcements about modifications to the CM/ECF system. The newsletter will also address the on-going need to keep everyone informed of changes in filing fees, training opportunities and other useful information for the bankruptcy practitioner.

The previous publication from the Clerk's Office, *The Dive Instructor*, which dealt with CM/ECF issues will no longer be created. Back copies will be archived and available on the court's web page.

## Reorganization To Improve Customer Service

A reorganization of court staff was completed this spring at the Clerk's Office. The cornerstone of the reorganization includes the creation of the Court Services and Public Affairs Division. Staff members assigned to the new division include Luke Adams and Julie Gibson from the Tallahassee headquarters office as well as Lani Bond from the Pensacola office. Kevin Davis was named Director of Court Services and is the manager of the new division.

Melissa McClure was named the Director of Court Operations and will oversee operations in both offices.

The focus of the new division is to provide personal training and assistance to attorneys and paralegals using the CM/ECF system. The team will also be responsible for conducting research and implementing new products and services to benefit CM/ECF users. As noted by Bill Blevins, Court Clerk, "this new division will take ideas and suggestions from attorneys and try to make them a reality."

The team is currently working on plans to reduce the number of docket events and minimize the number of steps necessary for electronic filing in the CM/ECF system. Plans also include updating the court web site and improvements in communication with law firms about court procedures.

## FILING FEES PAID THROUGH PAY.GOV

Attorneys using the CM/ECF electronic filing system noticed a change recently in the way filing fees are collected by the Clerk's Office. On March 1, the Clerk's Office announced on the court's web site that fees would no longer be charged to a credit card by Clerk's Office staff. Instead, all filing fees for pleadings filed electronically must be paid directly into the PAY.Gov system. The change went into effect on April 1<sup>st</sup>. The change in the method of payment was a result of a directive from the Administrative Office of the U.S. Courts.

Users can enter required credit card information after filing each pleading or only one time per day. It is important, however, that the fees be paid the day they are incurred. Otherwise, attorneys will receive a Submission Error and risk having the document stricken from the court record. A step-by-step instruction guide for the PAY.Gov system is available on the court's web page.

CM/ECF users are encouraged to check at the end of each day to make sure all fees have been paid. This can be done by going into the CM/ECF system and clicking on UTILITIES / INTERNET FEES / INTERNET FEES DUE.

It is also important to remember that the pop-up blocker on the web browser must be deactivated in order to open the window to enter the credit card information.

## NEW ADMINISTRATIVE ORDER EASES TRANSFER PROCEDURE

A new Administrative Order signed by Judge Killian on May 9, 2005 adds flexibility for those attorneys who file new cases in more than one division in the Northern District.

Administrative Order No. 05-002 allows attorneys desiring to transfer a new petition to another division within the district to initially select the division in which they want the case to be administered when the case is opened in the CM/ECF system. The selection of another division can be made by entering a different county for the debtor(s) when adding information on the Party Information Screen of the CM/ECF system.

For example, a debtor living in Walton County may find it more convenient to appear at the 341 Meeting of Creditors in Panama City instead of Pensacola. In that instance, when opening the new case the attorney would simply select Bay County or one of the other counties comprising the Panama City Division.

The new Administrative Order does not alleviate the requirement of filing a Motion to

Transfer. In fact, the Order requires that a proper Motion to Transfer Case be filed contemporaneously with the petition. The movant should also email a proposed order approving the transfer to the email address used for proposed orders.

The Administrative Order will benefit some debtors by reducing the distance they must travel to attend creditor meetings and hearings.

The procedure will also benefit attorneys and other parties in a case. Under the previous method, a new case number would be assigned and a new trustee appointed. New notices would be generated advising parties of the new trustee and the new date for the Meeting of Creditors. Eliminating these steps may enable the meeting to be scheduled and heard without the necessity of rescheduling due to a change in venue.

Questions about the procedure can be directed to the CM/ECF Help Desk. A copy of the Administrative Order can be printed from the court's web site.

## PROJECTS UNDER CONSTRUCTION

Be watching for announcements on these topics:

- ▶ Updated CM/ECF Attorney User Manual
- ▶ New forms and procedures for complying with the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005
- ▶ Implementation of CM/ECF Version 3.0
- ▶ The CM/ECF "Tool Bar"





## THE CLERK'S CORNER



### BANKRUPTCY COVERAGE CLOSE TO HOME

By Bill Blevins

In thinking about what the Clerk's Office can do over the next few months, or maybe years for that matter, to best serve the Florida Northern bankruptcy community in making a successful transition to life under the new code provisions, the idea of an investigative local news team theme quickly came to mind. The notions of tracking down sources, researching angles, getting to the heart of the issues and providing helpful guidance and information on what lies ahead seemed to me to be the most powerful and understandable way for us to proceed in getting the word out on the latest and greatest of how this is all going to work.

Well, with that decision made, I felt the next step was to come up with a catchy phrase for our FLNB "news team." In doing some preliminary research of the marketing phrases out there for our local stations, there were:

**"Straight To The Point"** which did not really seem to fit given any reading of the new law

**"On Your Side"** which could lead some to wonder about what we may be trying to slide through with only our own interests in mind

**"Where the News Comes First"** which left me with the feeling that many may think we only care about the news of it all and not about how we can best work together to make these changes happen.

So, with those definitely not getting the nod, I dug a little further and found "Close to Home" which seemed to fit rather well with what we are about and the local relationships we will try to forge to better understand and work in this new bankruptcy environment. Hence, the above title for this article and our intended focus for the future.

There you have it – ***Bankruptcy Coverage Close to Home***. Like the CM/ECF adventure dive we took in 2003, I know that we will get through this change together as well as live it locally in order to serve our customers in the best ways we can.

And, to get the ball rolling, here is an initial blurb to get you hooked on our upcoming coverage and to make sure that you do not use that remote.

**[Introduction commercial-like music followed by a strong, confident voice that says]**

There is a new law in town.....

It impacts many who work with the Clerk's Office in the way of fees, forms, and filing.....

Some even call it an extreme makeover – bankruptcy edition.....

Stay tuned to the FLNB team and [www.flnb.uscourts.gov](http://www.flnb.uscourts.gov) over the coming weeks to find out what this is all about and how we can help to make it work for you and your clients

This is what we call - ***"Bankruptcy Coverage Close to Home."***

## AUTO REPLY FEATURE DISABLED

In April, 2005, the Clerk's Office began using an auto reply feature for attorneys to receive an automatic email response indicating that a proposed order had been received by the court. The feature was disabled, however, due to the inability to add information from the original email in the reply message. Attorneys sending several proposed emails on any given day would receive multiple generic replies but could not identify the proposed order to which the reply was created.

The auto reply feature has been disabled until such time as the auto reply can include information to identify which order was received.

## CLERK'S OFFICE TO PREPARE SUMMONS

Under a new policy adopted in April, attorneys are no longer required to submit a summons when filing an Adversary Proceeding in the Northern District. The summons will be prepared and issued by the Clerk's Office and mailed to the attorney for service. It is still necessary, however, to file an A.P. Cover Sheet as an attachment to the complaint when filing an A.P. case. Failure to submit the cover sheet would result in a submission error being docketed.

## NEW METHOD OF REQUESTING HEARING CANCELLATION TO BE INTRODUCED

A new method for attorneys to request cancellation of a hearing through CM/ECF will become available effective June 20.

The new procedure will enable attorneys and other parties with ECF access to request cancellation of the hearing by selecting a new option listed under Bankruptcy Events in the CM/ECF system. The link will guide the user through two sets of buttons for selecting the type of hearing and the purpose of the cancellation (e.g., settled, withdrawn, etc.). The event is a paperless event and does not require a PDF document to be uploaded into the CM/ECF system.

Filing the request does not mean the hearing is cancelled in that the request is ultimately up to

the judge. The event simply provides a method of requesting cancellation of a hearing within the CM/ECF environment.

Court staff will monitor the cancellation requests and seek approval from chambers. If the request is granted, court staff will remove the hearing from the court calendar. Attorneys and parties are reminded that, despite a cancellation request, no hearing is cancelled until it has been removed from the court calendar.

Also, the cancellation of the hearing does not dispose of the matter at hand. An Order will still be required when the matter is resolved. The original pleading cannot be terminated until an Order is entered on the pleading.



Sample CM/ECF screen for requesting hearing cancellation.

## ORDER ESTABLISHES INITIAL PROCEDURES IN CHAPTER 11 CASES

A new Administrative Order Establishing Procedures in Chapter 11 Cases was signed by Judge Killian and made effective as of May 9, 2005.

The Order, Administrative Order No. 05-001, sets forth requirements for the trustee or debtor-in-possession in a Chapter

11 case to file a Case Management Summary itemizing certain details about business entities which file for bankruptcy protection. The Order also provides for expedited hearings on certain types of motions when requested and lists the required elements that each motion must contain. The Order

also addresses the use of property by a debtor-in-possession and requirements for opening bank accounts for the payment of taxes. A copy of the Administrative Order is available to the public and can be viewed or printed from the court's web page at [www.flnb.uscourts.gov](http://www.flnb.uscourts.gov).

## ECF ESSENTIALS

The CM/ECF system continues to evolve. Listed below are new items, tips and reminders about using the system.

– Fifty-one filing events which have never been used and deemed unnecessary have been deactivated from the system in order to reduce the overall number of events from the pick lists.

– The receipt issued by PAY.Gov for payment of filing fees has been modified to include the name of the debtor.

– CM/ECF training from court staff is available to attorneys and law firm staff. Training can be scheduled by contacting the Help Desk.

– Email announcements regarding changes to CM/ECF may have a different look in the future. The Clerk's Office is testing a new email process designed to help keep registered users informed of changes to the system. The return address on the email will read: *FLNB - CM/ECF SUPPORT*.

– The list of all active CM/ECF filing events will be updated and posted on the web site in the upcoming weeks.

– When filing a Motion for Relief from Stay, please use the docket text field to add a brief description of the property itemized in the motion.

– An event called "*Schedules and Statements (all remaining documents)*" has been added to the Bankruptcy category. This event can be used when filing all remaining deficient schedules and eliminates the need to select each schedule individually.

## FLNB RESOURCES

### MAIN PHONE NUMBERS:

Tallahassee: (850) 521-5001

Pensacola: (850) 435-8475

### HELP DESK:

Tallahassee, Gainesville & Panama City Divisions  
(888) 765-1752

Pensacola Division  
(888) 765-1751

E-mail Help: [CMECF\\_helpdesk@flnb.uscourts.gov](mailto:CMECF_helpdesk@flnb.uscourts.gov)

### EMAIL ADDRESS FOR PROPOSED ORDERS:

*Cases filed in Tallahassee, Gainesville  
or Panama City Divisions:*  
[TLH\\_Orders@flnb.uscourts.gov](mailto:TLH_Orders@flnb.uscourts.gov)

*Cases filed in Pensacola Division:*  
[PNS\\_Orders@flnb.uscourts.gov](mailto:PNS_Orders@flnb.uscourts.gov)

### COURT WEB SITE:

[www.flnb.uscourts.gov](http://www.flnb.uscourts.gov)

## COMPARISON OF NEW CASES FILED 2005 VS. 2004

